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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/784,654	02/23/2004	Anthony J. Newbill	2357 EXAMINER		
75	90 10/13/2006				
James D. Givnan, Jr.			SKURDAL, COREY NELSON		
8175 S. W. Erns Portland, OR			ART UNIT	PAPER NUMBER	
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			DATE MAILED: 10/13/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/784,654	NEWBILL ET AL.				
Office Action Summary	Examiner	Art Unit				
	Corey N. Skurdal	3727				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timused apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. sely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 23 Fe	ebruary 2004.					
2a) This action is FINAL . 2b) ☑ This	This action is FINAL . 2b)⊠ This action is non-final.					
) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) ☐ Claim(s) 1-7 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-7 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	•					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on 23 February 2004 is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	e: a)⊠ accepted or b)⊡ objected drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 8/30/2004. 	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate				

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 5 line 2 has an extra period after the term "displacement.."

Appropriate correction is required.

Claim Objections

2. Claim 4 is objected to because of the following informalities: line 1 contains the phrase "including a lock <u>moveable</u> mounted"; the phrase should read, "including a lock moveably mounted." Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincart (US 5,806,739) in view of Doyle (US 6,514,980) and Pride (US 6,116,633).

Regarding claim 1, Kincart (Figure 1A) discloses a support structure for a vehicle spare wheel carrier having an arm 62 movable about a vertical axis comprising: an elongate base at 80, attachment means 84 for securing the base to the vehicle transversely of the center line, and a fastener assembly having a pin 44 engageable with aperture 70 and locking means 100 for securing the arm in a stowed position parallel to said base member. Kincart does not have a latching assembly with a ball

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and hemisphereically shaped end for reception of the ball member. However, Doyle teaches the use of a common ball and hitch latching assembly with ball member 14, and housing 20 with a partially hemispherically shaped end for reception of the ball member. The ball and hitch assembly is old and well know in the art, and is commonly used to attach an auxiliary carrier to a vehicle. Also old and well know in the art is the use of a pin and aperture for attaching an auxiliary carrier to a vehicle. For example, Pride teaches the use of a hitch member with ball attachment means 30 or pin attachment means 17 (col. 1 lines 1-10). Therefore, it would have been obvious to one skilled in the art at the time of invention, to use the ball and hitch latch assembly of Doyle in place of the pin attaching means disclosed by Kincart in order to provide more secure and safe arm attachment means, as motivated by the teaching of Pride showing the equivalence of ball attachment means with latching assembly and pin attachment means.

Regarding claim 2, the modified Kincart discloses the claimed invention as applied to claim 1 above, wherein the bumper 40 is considered a base for attachment to the vehicle on which the ball member of Doyle would be mounted at plate 42.

Regarding claim 3, the modified Kincart device discloses the claimed invention with curved wall segment 20' formed in the hemispherical housing (Figure 2 Doyle).

Regarding claim 4, the modified Kincart device discloses the claimed invention with a lock 22 moveably mounted in the housing, and a handle 30 coupled to the lock for being the lock into abutment with the ball member (Doyle col. 2 lines 54-65).

Regarding claim 5, the modified Kincart device discloses the claimed invention with safety latch 34 for securing and preventing movement of the handle 30.

Regarding claim 6, the modified Kincart device discloses the claimed invention as applied to claim 1 above, including the latch assembly of Doyle with ball member 14, housing 20 engageable with the ball member, and a lock 22 for confining the ball member in the claimed abutment.

Regarding claim 7, the modified Kincart device discloses the claimed invention wherein the partially hemispherical end of housing (Doyle Figure 2) merges with a curved wall segment 20' on the interior of the housing, such that the ball member and the curved wall segment are formed on the like radii preventing displacement of the housing.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Curtis (US 6,363,629) discloses a mount for the front of vehicle using a ball and hitch attachment means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS 9/25/2006